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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) ITL.0599US (P11740) | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.11] | | Application Number 09/918,244 | Filed July 30, 2001 |
| on <u>February 15, 2007</u> | | First Named Inventor Anil K. Kumar | |
| Signature | | Art Unit 2616 | Examiner Christopher P. Grey |
| Typed or printed name <u>Cynthia L. Hayden</u> | | | |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.

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Registration number if acting under 37 CFR 1.34

February 15, 2007

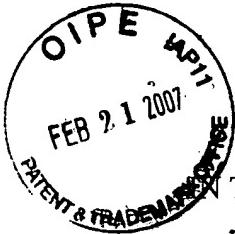
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

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|---|---|-----------|----------------------|
| Anil K. Kumar | § | Art Unit: | 2616 |
| Serial No.: 09/918,244 | § | Examiner: | Christopher P. Grey |
| Filed: July 30, 2001 | § | Docket: | ITL.0599US P11740 |
| For: Supporting Both Packet and Circuit-Based Wireless Networks | § | Assignee: | Intel Corporation |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Pre-appeal review is requested because the office action does not accurately address the claims. The claims call for closing packet data service application software if a mobility management state is idle.

Thus, packet data service application software is closed if the mobility management state on a mobile subscriber is idle. The office action and, particularly, the advisory action, turns this limitation on its ear in order to make out an untenable rejection. First, the rejection states that the Applicant argues that the rejection "fails to disclose an action being taken dependent on mobility management mode or a state being idle." But then the advisory action indicates that it is disclosed in Hosain "where mobility management is one of the accounting components employed." Thus, the rejection states that "Hosain discloses turning off mobility management in the vent and an idle state is achieved, where turning off mobility management (column 8, lines 9-7) clearly involves turning off the corresponding component."

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| Date of Deposit: February 15, 2007 |
| I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |
| <i>Cynthia L. Hayden</i> Cynthia L. Hayden |

Of course, the issue is not turning off mobility management. When mobility management is idle, the claim calls for automatically closing data service applications. Instead, the Examiner contends that the mobility management software is turned off. This is not what the claim is directed to and is irrelevant. Likewise, the assertion that accounting software and mobility management software are the same is simply untrue. The assertion that a mobility management field corresponds to software is untenable. See column 7, lines 63-65, relied upon in the office action.

At column 8, lines 5-9, the reference suggests that when the mobility management node is in the idle state, mobility management is turned off. But that does not mean that a packet data service application is turned off. There is simply no mention whatsoever of turning off a packet service data application. Just because mobility management is idle or, according to the reference, turned off, does not have anything to do in the cited reference with closing a packet data service application.

The suggestion that turning off the mobility management "clearly involves turning off the corresponding component" is logically and technically untenable. There is no basis for such an assertion and in the prior art this is never the case. To the contrary, there is no reason why any particular application would be turned off because the mobility management state is idle and nothing in the cited reference ever suggests any reason or any basis for turning off the packet data service application.

Therefore, the rejection is wholly without basis and should be reconsidered without the necessity for appeal.

Respectfully submitted,



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Date: February 15, 2007